

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 888 OF 2007

IN

NOTICE OF MOTION NO. 261 OF 2007

IN

S.C. SUIT NO. 318 OF 2007

Mr. Barnard Victory Kinny Appellant

Vs.

The Municipal Corporation of Respondents
Greater Mumbai

Ms. Vidya Manjarekar h/f Mr. D.M. Shah for
Appellant.
Ms. Geeta Joglekar for BMC.

CORAM : J.H. BHATIA, J.
DATE : 11TH DECEMBER, 2007

P.C.

1) This appeal is against the refusal of ad-interim reliefs against the Notice of demolition issued by the Municipal Corporation. The Notice of Motion is still pending before the Trial Court and the learned Counsel for the parties inform that the matter is fixed for hearing on 20th December 2007. Learned Counsel for the Respondents makes a statement that the Respondents will not take any action on the impugned notice till 31st December 2007. Learned Counsel for both the parties also make a statement that they will not seek any

adjournment before the Trial Court on 20th December
2007.

2) It is expected that, in view of this, the
Notice of Motion may be disposed of on or before
31st December 2007. In view of this statement,
learned counsel for the Appellant seeks to withdraw
the appeal. The appeal stands disposed of as
withdrawn.

(J.H. BHATIA, J.)